



PLANNING COMMISSION AGENDA

Wednesday, May 3, 2006

5:00 p.m. STUDY SESSION

Room # T-1654

Review Capital Improvement Program

6:30 p.m. Regular and General Plan Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy	James Zito
Dang T. Pham	
Christopher Platten	Vacant

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, May 3, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

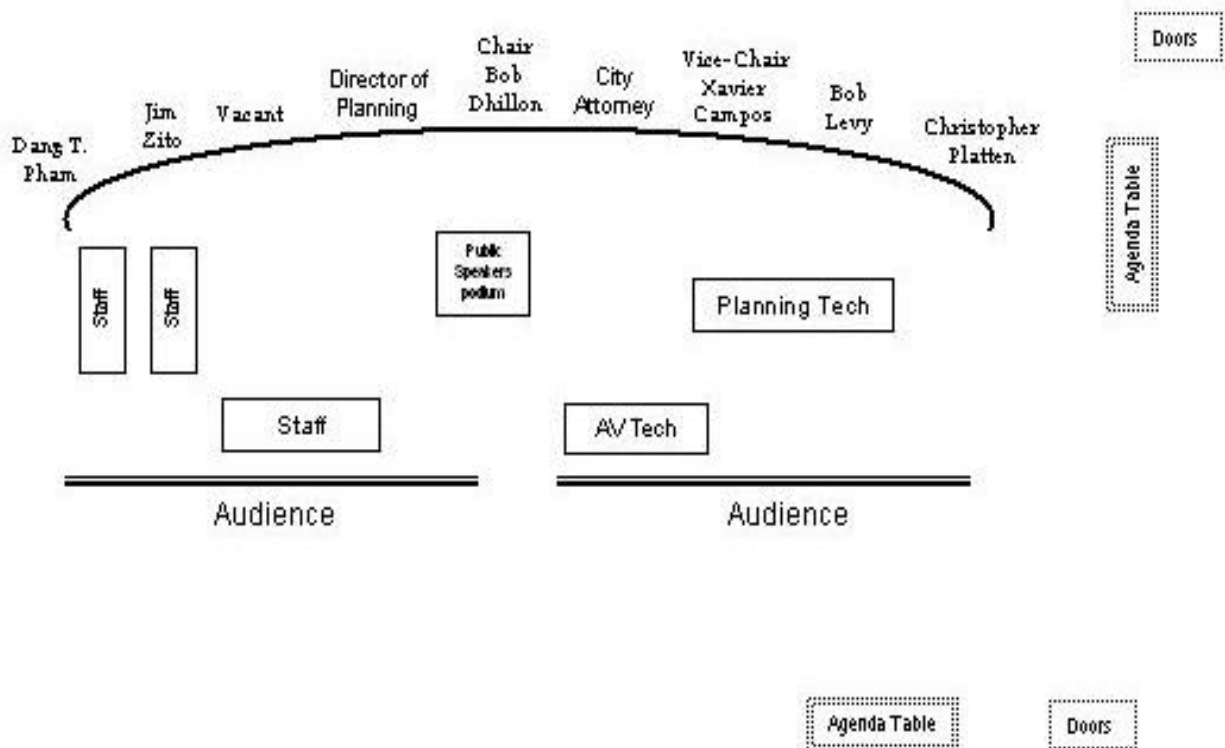
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **H05-006**. APPEAL of the Planning Director's decision to approve a site development permit to allow the construction of 41,705 square feet of additions to an existing shopping mall (Westgate West Shopping Center) and allow facade and site modifications on a 18.9 gross acre site, in the CG Commercial General Zoning District, located on East side of Lawrence Expressway, between Graves Avenue and Prospect Road (West Valley properties, Owner). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration

DEFER TO 6-5-06

- b. The project being considered is located on the east side of Oakland Road, approximately 700 feet south of Calle Artis (2080 and 2090 Oakland Road). (Cilker William H Et Al, Owner/Bible Way Christian Center, Applicant). SNI: None. CEQA: Mitigated Negative Declaration.

1. PROTEST OF A NEGATIVE DECLARATION for a General Plan Amendment request to change the San Jose 2020 Land Use/Transportation Diagram designation from Heavy Industrial with Mixed Industrial Overlay on a 2.66-acre site located on the east side of Oakland Road, approximately 400 feet North of Rock Avenue (2080 Oakland Road).

DEFER TO 5-24-06

2. **GP05-04-03**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Heavy Industrial with Mixed Industrial Overlay on a 2.66-acre site.

DEFER TO 5-24-06

- c. The projects being considered are located on an approximately 74-acre site in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northwest, otherwise known as the iStar property. Council District 2. CEQA: Resolution to be Adopted. Deferred from 3-22-06 and 4-12-06.

1. **GP03-02-05**: Request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation.

DEFER TO 5-24-06

2. **GPT03-02-05**: Request to update the General Plan Mixed Use Inventory Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.

DEFER TO 5-24-06

3. **APPROVAL OF THE EDENVALE AREA DEVELOPMENT POLICY MODIFICATION** to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 460,000 square feet of commercial uses on the iStar site.

DEFER TO 5-24-06

4. **PDC04-100**. Rezoning from the A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.

DEFER TO 5-24-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CP06-029](#). Conditional Use Permit to construct a 4,570 square foot addition to an existing commercial building, a remodel of another existing building and landscape improvements on a 0.59 gross acre site in the CP Pedestrian Commercial Zoning District located on the southeast corner of Story Road and Knox Avenue (Calderon Tires/Ascencion Calderon, Owner). Council District 7. SNI: K.O.N.A. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to construct a 4,570 square foot addition to an existing commercial building as recommended by Staff.

- b. [CP06-003](#). Conditional Use Permit to allow a drinking and entertainment establishment with late night use until 2:00 a.m. in an existing building, including an outdoor patio located at the rear of the building, on a 0.10 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of South 1st Street, approximately 280 feet southerly of E. San Carlos Street (349 South 1st Street) (Salata James A / Mark & Marylou Cardosa, Owners; Mr Rod Schisler, Developer). Council District 3. SNI: None. CEQA: Exempt. Deferred from 4-26-06.

Staff Recommendation:

Approve a Conditional Use Permit to allow a drinking and entertainment establishment with late night use until 2:00 a.m. in an existing building, including an outdoor patio located at the rear of the building, as recommended by Staff.

- c. [CP06-006](#). Conditional Use Permit request to allow the use of an existing 77, 462 square foot industrial park building for religious assembly purposes on a 4.76 gross acre site in the A(PD) Planned Development (Rezoning to IP – Industrial Park Zoning District pending), located at the southwest corner of Fortran Drive and Nortech Parkway (4435 FORTTRAN DR)(Carlyle Fortran Trust A Real Estate Inv Tru, Owner). Council District 4. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit request to allow the use of an existing 77, 462 square foot industrial park building for religious assembly purposes as recommended by Staff.

- d. [PDC03-024](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an increase of 63,233 square feet for river commercial uses on a 8 gross acre site, located on the northwest corner of Highway 237 and Union Pacific Rail Line (San Jose Alviso Youth Foundation, Owner; San Jose / Alviso Youth Foundation Mr. Tom Jodry, Developer). Council District 4. SNI: None. CEQA: Addendum to EIR.

Staff Recommendation:

Consider the Environmental Impact report and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow an increase of 63,233 square feet for river commercial uses as recommended by Staff.

- e. [PDC05-113](#). Planned Development Rezoning request from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 53 single-family attached residences on a 2.82 gross acres site, located on the west side of Oakland Road, approximately 550 feet north of Rock Avenue (2135 OAKLAND RD) (Dollinger Rock Associates Andrea Rudolf, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning request from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 53 single-family attached residences as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [CITY'S PROPOSED 2007-2011 CAPITAL IMPROVEMENT PROGRAM](#). Approval of the Planning Commission's report to the City Council transmitting comments and recommending adoption of the Proposed 2007-2011 Capital Improvement Program (CIP).

Staff Recommendation:

Recommend to the City Council adoption of the Proposed 2007-2011 Capital Improvement Program (CIP) as recommended by Staff.

- b. [Major Amendment to the Airport Master Plan](#) for Mineta San Jose International Airport to Update Development Program Objectives and Facility Improvement Projects.

Staff Recommendation:

Recommend to the City Council approval of the proposed Major Amendment to the Airport Master Plan for the Norman Y. Mineta San Jose International Airport as recommended by Staff.

- c. [CP06-009 & ABC06-006](#). Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcoholic beverages at an existing retail commercial business on a 0.43 gross acre site in the CP Pedestrian Commercial Zoning District located on the southwest corner of Winchester Boulevard and Impala Drive (1539 S. Winchester Boulevard). (Ronnie Berry, Owner) Council District 1. SNI: Winchester. CEQA: Exempt.

Staff Recommendation:

Deny a Conditional Use Permit and Determination of Public Convenience and Necessity to allow the off-sale of alcoholic beverages at an existing retail commercial business as recommended by Staff.

- d. [CP06-010](#). Conditional Use Permit and Determination of Public Convenience and Necessity for allowing off-sale of beer and wine at an existing retail store on a 0.9 gross acre site in the CP Pedestrian Commercial Zoning District, located at southeast corner of Saratoga Avenue and DeMille Drive (1080 Saratoga Avenue). (Joseph W. Kovalik, Owner). Council District: 1. SNI: Blackford. CEQA: Exempt.

Staff Recommendation:

Deny a Conditional Use Permit and Determination of Public Convenience and Necessity for allowing off-sale of beer and wine at an existing retail store as recommended by Staff.

- e. [H04-037](#). APPEAL of the Planning Director's decision to approve a Site Development Permit Site to allow construction of a one-story commercial building containing approximately 2,900 gross square feet on a 0.09 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the northwest corner of N. 2nd and Devine Streets (DARYL FAZEKAS, Owner and Developer). Council District 3. SNI: None. CEQA: Exempt.

Staff Recommendation:

Uphold Director's decision to approve a Site Development Permit Site to allow construction of a one-story commercial building as recommended by Staff.

- f. [PDC05-094](#). Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single-family attached residences and 1 single-family detached residence on a 0.48 gross acre site, located at the northeast corner of East Taylor Street and North Sixth Street (259 E TAYLOR ST) (Zeman Todd W And Maureen J Trustee & Et Al, Owner). Council District 3. SNI: None. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single-family attached residences and 1 single-family detached residence as recommended by Staff.

5. OPEN PLANNING COMMISSION SPRING 2006 HEARING ON GENERAL PLAN AMENDMENTS

6. GENERAL PLAN CONSENT CALENDAR

NONE

7. GENERAL PLAN PUBLIC HEARING CALENDAR

NONE

8. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

9. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

10. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Vacant).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. Review of synopsis

11. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	5:00-6:15 p.m.	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers